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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 JEREMY NYUWA,) CASE NO. C09-0916-RSM-MAT
09)
Petitioner,)
10)
v.) ORDER DIRECTING RESPONSE TO
11) MOTION FOR PRELIMINARY
ICE FIELD OFFICE DIRECTOR,) INJUNCTIVE RELIEF
12)
Respondent.)
_____)

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14 On July 2, 2009, petitioner, proceeding pro se, filed a Petition for Writ of Habeas
15 Corpus pursuant to 28 U.S.C. § 2241. (Dkt. 6.) In his habeas petition, petitioner requests that
16 the Court (1) order the Board of Immigration Appeals (“BIA”) to reissue its March 2, 2006,
17 removal order that he may seek judicial review; (2) enjoin the Department of Homeland
18 Security (“DHS”) and the U.S. Immigration and Customs Enforcement (“ICE”) from deporting
19 him from the United States until he has obtained review of the reissued BIA decision; and (3)
20 order supervised release or a constitutionally adequate bond hearing. (Dkt. 6 at 3.) Petitioner
21 now moves for a Temporary Restraining Order (“TRO”), asking the Court to enjoin respondent
22 from removing him from the United States pending adjudication of his habeas corpus petition.

01 (Dkt. 29.)

02 The Court, having reviewed petitioner's motion, and the balance of the record, does
03 hereby ORDER:

04 (1) Petitioner has not demonstrated, as is required by Rule 65(b) of the Federal
05 Rules of Civil Procedure, that he will suffer immediate and irreparable injury, loss, or damage
06 before respondent can be heard in opposition. The Court therefore construes petitioner's
07 motion as one for preliminary injunction rather than as one for temporary restraining order and
08 directs respondent to file a response to the motion.

09 (2) In accordance with Local Rule 7(d)(3), the Clerk is directed to RE-NOTE
10 petitioner's motion seeking a preliminary injunction (Dkt. 29) on the Court's calendar for
11 consideration on January 4, 2010. Respondent is directed to file a response to petitioner's
12 motion no later than December 28, 2009. Petitioner may file a reply in support of his motion
13 no later than January 4, 2010.

14 (3) Petitioner's motion for declaratory judgment (Dkt. 21) and respondent's motion
15 to dismiss (Dkt. 14) are RE-NOTED on the Court's calendar for consideration on January 4,
16 2010.

17 (4) The Clerk shall direct a copy of this order to the parties.

18 DATED this 8th day of December, 2009.

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21 Mary Alice Theiler
22 United States Magistrate Judge